REMARKS

The present Amendment is in response to the Examiner's Office Action mailed November 15, 2002. Claims 3-5 and 7-9 are cancelled, claims 1-2, 6 and 10-21 are amended, and new claims 22-46 are added. Claims 1-2, 6 and 10-46 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. Rejections Under 35 U.S.C. §102(e)

A. *Hoffert et al.*

The Examiner rejects claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by *Hoffert, et al* (United States Patent No. 6,370,543). As will be shown, the methodology used by *Hoffert* is different from the invention that is currently claimed, and thus the reference does not anticipate any of the rejected claims under 35 U.S.C. § 102(e).

Hoffert et al. pertains to a method and apparatus for searching the Internet (or other distributed network) for "multimedia" files (e.g., files having audio, video and/or image content). *Hoffert* notes that traditionally, these types of files – due to the nature of their content – cannot be precisely located using text based search algorithms. (Column 1, lines 65-67). To address this problem, *Hoffert* teaches a very specific set of operational steps: the network in question is "crawled" in a manner so as to identify the presence and location of any and all multimedia files (*i.e.*, multimedia files are not located in response to any specific search criteria); the network

location of each of the located multimedia files is placed in an index; and "previews" are built for each of the media files so as to allow a user to easily identify media files of interest by reviewing/searching these previews. (Column 3, lines 1-5, emphasis added). Thus, under *Hoffert,* all multimedia files within a given network are located and placed within an index. A text-based preview for every located file is then created. A user can then review or search these previews to locate a file of interest.

In particular, the method disclosed by *Hoffert* first attempts to identify and index **all** "media files" (e.g., audio, video, image content) contained within the network. A media file is located by reviewing hypertext markup language (HTML) of individual web pages. As media files are located, an index is created with their corresponding network address location, such as a URL. (Column 3, lines 10-20). In addition to storing the media file location in the index, *Hoffert* teaches that "[l]exical information (i.e., textual descriptions) is located describing the media files" and stored in the index. (Column 3, lines 14-16). This lexical information is **not** obtained or derived from the corresponding media file in the index; instead, it is obtained from the web page that makes reference to the media file:

> Often a web page which references a media file provides significant description of the media file as textual information on the web page. When indexing a media file, the present invention has recognized that it would be useful to utilize this textual information. . . . [C]ertain lexical information on the web page may be more relevant than other information to categorizing the media for later searching.

(Column 4, lines 41-51).

Thus, the focus of *Hoffert* is to locate and identify relevant lexical information that can then be associated with a media file in the media file index. Once all media files are located and associated with pertinent lexical information, a user can then conduct a keyword search of the lexical information contained in the index to attempt and locate a corresponding media file. The

emphasis of *Hoffert* is, once a media file is located, to attempt and associate with that located media file, the most relevant lexical information. In this regard, *Hoffert* notes that "certain lexical information on the web page may be more relevant than other information to categorizing the media [files] for later searching." (Column 4, lines 49-51). For example:

> It has been observed that relevant textual information may be directly surrounding the media reference on a web page, or it may be far from the media reference. However, it has been found that more often than not, the relevant text is very close (in lexical distance) to the media reference.

Column 4, lines 52-59. *Hoffert* then lists off 5 rules (Column 4, line 59 – Column 5, line 6) for determining what text within a web page should be associated with the media file in the index.

In sum, *Hoffert* addresses an entirely different problem than the present invention, and does so in an entirely different manner.

For example, independent claim 1 – both as originally presented and as amended for clarification purposes – specifically requires a number of elements that are not disclosed or otherwise suggested by *Hoffert*. First, claim 1 requires the step of "receiving search criteria from a client" and then "searching at least one source based on the search criteria" and then "determining search results responsive to said searching." In the Office Action at paragraph 2, page 2, the Examiner alleges that these elements are disclosed in *Hoffert* at Column 3, lines 20-67. This is not the case. In fact, this portion of *Hoffert* pertains to the identification of **any and all** media files contained within a network by using media crawling techniques. See, Column 3, line 10. Nowhere does this section teach the notion of searching a source based on a specific search criteria, and then locating search results responsive to that search. Thus, *Hoffert* does not anticipate claim 1 due to its failure to explicitly teach these elements.

Second, claim 1 further requires a "distilling" step. Specifically:

distilling a **selected one of the search results in substantially real time** relative to the time of selection, wherein the distillation occurs in accordance with at least one data type criterion selected from a plurality of predefined data type criteria; and

creating a distilled version of the selected search result, **wherein the distilled version contains predefined content from the selected search result** in accordance with the selected data type criteria. (emphasis added).

Hoffert teaches no such function. First, nowhere does *Hoffert* teach or suggest "distillation" of any search result, wherein the distilled version contains any "content" from the search result. Instead, *Hoffert* teaches the notion of locating all media files in a network, and associating "lexical information" with each media file in an index. As discussed above, that "lexical information" is not distilled from the content of the media file (i.e., the alleged "search result") -- indeed, that is the primary problem being addressed by *Hoffert* in that media files do not contain such "lexical information." Instead, the lexical information is derived from the web page that contains the link to the actual media file. Further, nowhere does *Hoffert* teach or suggest that any type of "distillation" be performed in connection with a selected "one" of a plurality of search results, nor does it teach that any type of "distillation" occur in substantially real time at the time of selection – both of which is required in claim 1. In contrast, the derivation of the lexical information in *Hoffert* is performed for **all** of the located media files. (See, e.g., Column 4, lines 41-42, "Next, relevant lexical information (text) is selected for each URL").

In sum, for at least the reasons outlined above, *Hoffert* fails to teach each and every element of pending claim 1 and thus fails to anticipate that claim under 35 U.S.C. § 102(e). As such, Applicants respectfully request withdrawal of this rejection. Moreover, for at least the reasons outlined above, claim 2, which depends from claim 1, is also in a condition for allowance.

Moreover, the above distinguishing factors also apply to the remaining pending claim rejected in view of *Hoffert*, claim 6. That claim specifically requires the step of "**selecting**" one of the returned search results, and then, "at substantially the time of selection, distilling the selected" search result. Again, nowhere does *Hoffert* teach or suggest the notion of selecting a search result and then distilling the contents of that selection. Thus, claim 6 is patentably distinct from the teachings of *Hoffert*, and it is respectfully requested that the rejection of that claim be withdrawn.

Also, the same distinctions apply to each of the new claims, claims 22-46. For example, claim 22 requires "substantial real-time creation of a distilled version" of a selected search result. That is, the search result is distilled at the time that it is selected by the user. Similarly, each of the new independent claims 34 and 44 require a similar step. Consequently, it is believed that each of the new claims are all patentably distinct from *Hoffert* for at least this reason, and allowance of the claims is respectfully requested.

B. *Tso et al.*

The Examiner rejects claims 10-21 under 35 U.S.C. § 102(e) as being anticipated by *Tso, et al* (United States Patent No. 6,385,602). As will be shown however, *Tso* fails to disclose each of the elements of the invention as claimed, and thus does not anticipate any of the rejected claims under 35 U.S.C. § 102(e).

Tso is directed to a method for presenting search results in accordance with dynamically created search result "categories." These categories are established based upon attributes of the

search results. (Column 3, lines 52-55). Thus, instead of displaying a plurality of search results, which is often difficult and impractical to review, under *Tso* the plurality of search results are first associated with a particular category, and then displayed in accordance with these particular categories. Moreover, these categories are dynamically created for each set of search results, and are created based upon the attributes of the search results. (Column 2, lines 53-67).

Both the problems addressed, and the solutions disclosed by *Tso* are entirely different from that which is set forth in the pending claims, as amended. In general, *Tso* pertains to and is concerned with categorizing a large number of search results. Said differently, *Tso* has nothing to do with the selection and distillation of a single search result, and/or with the creation of a "menu" that is associated and displayed in connection with a single, distilled search result. Both of these characteristics are explicitly set forth in the pending claims.

For example, independent claims 10 and 19 as amended each specifically set forth several limitations that are not taught or suggested by the *Tso* reference. First, both claims require the "distillation" of a single, selected search result into a result object. In direct contrast, *Tso* is concerned with the categorization of multiple search results, and does not address or otherwise manipulate a single selected search result, as is presently claimed. In addition, each claim requires the creation of a menu that corresponds to the single result object. Again, *Tso* teaches no such function, nor does it suggest the need for such a function. Finally, each claim requires the display of the menu, which again corresponds to a distilled version of a single search result. No such function is taught or suggested by *Tso*. In fact, the handling, manipulation or other such processing of a single result is not contemplated by *Tso* – again, that reference is concerned with assigning categories to multiple search results.

In sum, *Tso* fails to teach each and every limitation of the rejected claims 10-21. As such, the reference does not anticipate those claims, and Applicants respectfully request the withdrawal of that rejection. Moreover, for at least these same reasons, each of the new claims, claims 22-46, are patentably distinct from *Tso*. Again, each of those claims, as discussed above in connection with *Hoffert* requires a real-time distillation of a selected search result. No such function is taught or suggested by *Tso*. As such, allowance of those claims is respectfully requested.

CONCLUSION

In light of the Amendments and the arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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By: E. L. Maschoff

ERIC L. MASCHOFF
Registration No. 36,596

WORKMAN, NYDEGGER & SEELEY
60 East South Temple
1000 Eagle Gate Tower
Salt Lake City, UT 84111
(801) 533-9800

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